

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT L. BUTLER,

Plaintiff,

v.

CIV No. 98-568 JP/DJS

LARRY EDWARDS, et al.,

Defendants.

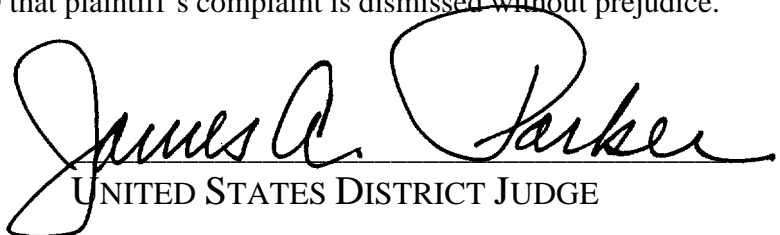
ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter comes before me *sua sponte*. Having reviewed the pleadings filed in this case, I conclude that I lack subject matter jurisdiction and must dismiss this case without prejudice.

Plaintiff Robert L. Butler filed this action in the United States District Court for the Western District of Texas on April 30, 1998. An Order transferring this case to the United States District Court for the District of New Mexico was filed on May 11, 1998, and received by the United States District Court for the District of New Mexico on May 13, 1998. This case was transferred because “proper venue in this cause lies in the United States District Court for the District of New Mexico, where both the Plaintiff and Defendants reside and the underlying events took place.” *See Order Transferring Cause to the United States District Court for the District of New Mexico.*

The plaintiff’s complaint is not based on diversity of citizenship under 28 U.S.C. § 1332, nor does it allege a federal question under 28 U.S.C. § 1331. Therefore, I lack subject matter jurisdiction. It should be dismissed without prejudice so that plaintiff can refile in a court with jurisdiction.

IT IS THEREFORE ORDERED that plaintiff’s complaint is dismissed without prejudice.


UNITED STATES DISTRICT JUDGE